



NATIONAL RIGHT TO WORK LEGAL DEFENSE FOUNDATION, INC.
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April 24, 2014

Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

SENSITIVE

MUR # 6812

RECEIVED
FEDERAL ELECTION
COMMISSION
APR 25 AM 11:29
OFFICE OF GENERAL
COUNSEL

To Whom It May Concern:

Enclosed please find a complaint that is being filed by my client, Jeffrey Richmond, against Penn Line Service Inc., Laborers' International Union, and Laborers' International Union, Local 453. Please consider this letter as my notice of appearance on behalf of Mr. Richmond, as his legal representative for all matters pertaining to the complaint. From this point forward, kindly send all communications and filings to me.

Please contact me with any questions or concerns.

Sincerely,

Sarah E. Hartsfield

SEH/lfr
Enclosures

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FEDERAL ELECTION
COMMISSION
SECRETARIAT
2014 APR 29 AM 9:46

**FEDERAL ELECTION COMMISSION
UNITED STATES OF AMERICA**

RECEIVED
FEDERAL ELECTION
COMMISSION

2014 APR 25 AM 11:30

OFFICE OF GENERAL
COUNSEL

Jeffrey Richmond,

Complainant,

and

Laborers' International Union,

and

Laborers' International Union, Local 453,

and

Penn Line Service, Inc.,

Respondents.

MUR # 6812

COMPLAINT

Facts:

1. At the time of the alleged violation, Complainant Jeffrey Richmond ("Richmond") was employed as a driver/laborer for Respondent Penn Line Service, Inc. ("Penn Line"). His position was included in the bargaining unit represented by Respondent Laborers' International Union, Local 453 ("Local 453"), an affiliate of Respondent Laborers' International Union ("Laborers' International") (collectively "Unions").

2. Respondent Penn Line is a corporation as used in 2 U.S.C. § 441b.

3. Respondent Laborers' International and Local 453 are labor organizations as defined in 2 U.S.C. § 441b(b)(1). Local 453 is part of the West Virginia Appalachian Laborers' District Council, the exclusive monopoly bargaining representative for Richmond while he was employed at Penn Line.

4. Respondents Unions' Laborers' Political League ("LPL") is a political committee as defined in 2 U.S.C. § 431(4).

5. When Richmond began employment with Penn Line in July 2012, he was not a union member, nor had authorized the deductions of union dues/fees, yet Penn Line made such deductions from his wages. Richmond was told by Penn Line Payroll Department personnel, Jamie Gross, that the deductions on his paychecks labeled "Employee Assm" and "Employee Dedu" were union deductions.

6. On information and belief, the deductions were used, at least partially, for contributions to the Unions' political action committee ("PAC"), LPL and its state PAC. Said deductions continued for the remainder of Richmond's employment at Penn Line.

7. At the time of the deductions, neither Penn Line nor the Unions informed Richmond as to the nature and/or political purpose of the deductions. A copy of a paycheck stub is attached to the Richmond affidavit.

8. On information and belief, Respondent Unions received the automatically deducted dues/fees from Richmond's wages and used a portion of his dues/fees to make political contributions to LPL and the state PAC. At the time of receiving the deducted

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dues/fees from Richmond, the Unions did not inform him as to the nature and/or purpose of the deducted monies.

9. On or about October 1, 2012, Richmond signed the portion of the union forms provided by Penn Line to join Local 453 and its affiliate, Laborers' International, to join union membership under false information that it was a job requirement. At that time, Penn Line did not inform Richmond that the Unions' PACs, LPL and the state, contributions were voluntary, although the form itself stated so. Richmond did not sign the section authorizing deductions for the Unions' PACs. A copy of said form is attached to the Richmond affidavit.

10. On or about October 15, 2012, Penn Line, through its agent, Orvil L. Walls, informed Richmond and a co-worker that they were required to sign up for Respondent Unions' PAC contributions, LPL and the state, as a condition of employment.

11. On or about October 16, 2012, Richmond informed Penn Line that he refused to sign up for the Unions' PAC contributions, LPL and the state, for religious reasons, and was consequently terminated from his job.

Law:

COUNT I

12. As recited above, Richmond was not a member of the Unions from July through October 1, 2012 when Penn Line Service automatically deducted union dues and/or fees from Richmond's wages without his prior permission or knowledge.

The Unions', Laborers' International and Local 453, receipt and use of the portion of the automatically deducted dues and/or fees by Penn Line from Richmond's wages, which

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were used for political contributions in the LPL, while he was a nonmember of the Unions, violated: a) 2 U.S.C. § 441b(a), prohibiting labor unions from making a "contribution or expenditure in connection with any [federal] election"; b) 2 U.S.C. § 441b(b)(3)(A), prohibiting PAC contributions made as a condition of membership in the union or as a condition of employment; and c) 2 U.S.C. § 441b(b)(4)(A)(ii), prohibiting labor unions from soliciting contributions to funds "established by a labor organization" from union nonmembers.

COUNT II

13. As recited above, Penn Line Service threatened Richmond with job termination, and in fact terminated him, when he refused, for religious reasons, to authorize the Unions' PAC contributions for LPL. Penn Line's actions violated 2 U.S.C. § 441b(b)(3)(A) which prohibits the making of a contribution secured by "job discrimination" and the "threat of job discrimination."

COUNT III

14. Penn Line violated 2 U.S.C. § 441b(b)(3)(B) when it failed to inform Richmond of the political purposes: a) of the automatic union deductions at the time of such "solicitation" from July 2012 through the date that said deductions for the Unions' LPL PAC contributions stopped; b) of the union forms provided to him on or about October 1, 2012 which included the authorization of automatic payroll the Unions' LPL PAC contributions; and c) of the union forms when it threatened him with job termination for not signing the form for the Unions' LPL PAC contributions on or about October 16, 2012.

15. The Unions, Laborers' International and Local 453, violated 2 U.S.C. § 441b (b)(3)(B) when they failed to inform Richmond of the political purposes: a) of the automatic union deductions at the time of such "solicitation" from July 2012 through the date that said deductions for LPL PAC contributions stopped; and b) of the union forms provided to him on or about October 1, 2012 which included the authorization of automatic payroll deductions for the Unions' LPL PAC contributions.

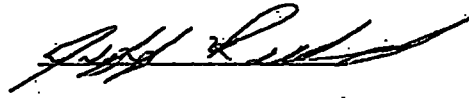
COUNT IV

16. Penn Line violated 2 U.S.C. § 441b(b)(3)(C) when it failed to inform Richmond of his right to refuse, without reprisal, to make LPL PAC contributions at the three separate times listed as set forth in Paragraph 14, *supra*, which is incorporated by reference herein.

17. The Unions, Laborers' International and Local 453, violated 2 U.S.C. § 441b (b)(3)(C) when they failed to inform Richmond of his right to refuse, without reprisal, to make LPL PAC contributions at the two separate times listed as set forth in Paragraph 15, *supra*, which is incorporated by reference herein.

Remedy:

16. Complainant requests that the Federal Election Commission investigate these allegations and take all available steps to enforce the law, including any monetary damage relief, and prevent future violations of the law.



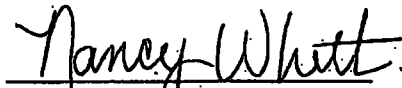
Jeffrey L. Richmond

Meadow Bridge, WV 25976

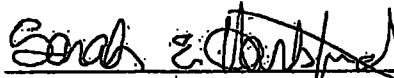
The foregoing instrument was subscribed and sworn before me this 21st day of April, 2014 by Jeffrey L. Richmond

My commission expires:

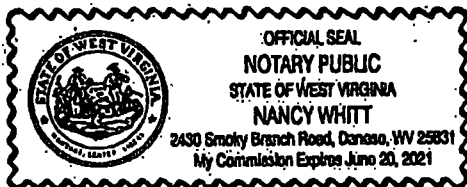
June 20, 2021


Notary Public

Respectfully submitted,



Sarah E. Hartsfield (VA Bar No. 82918)
c/o National Right to Work Legal
Defense Foundation
8001 Braddock Road
Springfield, Virginia 22160
(703) 321-8510
Attorney for Jeffrey L. Richmond



Dated:

RECEIVED
FEDERAL ELECTION
COMMISSION

FEDERAL ELECTION COMMISSION
UNITED STATES OF AMERICA

2011 APR 11:30
OFFICE OF GENERAL
COUNSEL

Jeffrey Richmond,

Complainant,
and

Laborers' International Union,

and

Laborers' International Union, Local 453,

and

Penn Line Service, Inc.,

Respondents.

AFFIDAVIT OF JEFFREY L. RICHMOND

I, Jeffrey L. Richmond, am a resident of West Virginia, am competent to testify under its laws, and have personal knowledge of the following facts:

1. I was employed as a driver/laborer for Penn Line Service, Inc. ("Penn Line") from July 10, 2012 to October 16, 2012, when I was terminated.

2. On July 9, 2012, I called Orvil Walls ("Walls"), a supervisor at Penn Line, to ask about beginning work with Penn Line. He told me the job was a union job and the pay. In a later phone conversation, Walls told me to report to him at a convenience store to begin work

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the next day.

3. On July 10, 2012, I went to the designated convenience store, met Walls and began working immediately at the nearby Boy Scout Reservation. That day I did not receive any employment papers or union-related documents from Walls or anyone else at Penn Line.

4. Around July 12, 2012, I reported to Morgantown, WV for another Penn Line job located in Wheeling, WV. On July 12, Walls gave me some employment paperwork, but no union forms were included.

5. I received my first paycheck from Penn Line around July 20, 2012, which included five deductions listed as "Employee Assm" and "Employee Dedu." In a phone conversation, I spoke with Jamie Gross ("Gross"), who is in Penn Line's Payroll Department, and asked her what the five deductions on my paycheck were. She said they were union deductions. At that time, I had not signed any papers joining union membership or authorizing automatic deductions of union monies from my wages. The deductions continued during my entire employment with Penn Line, and were taken out of each week's paycheck. The amounts deducted depended on the current job. A copy of some of my paychecks with these deductions is attached.

6. At no time prior to or at the time of the deductions, did Gross, Walls or anyone from Penn Line or Laborers Union, Local 453 ("Local 453"), or its affiliate Laborers' International Union ("Laborers' International"), inform me of the nature or purpose of the union deductions. I believe part of these deductions was used to contribute to Local 453's and Laborers' International's (collectively "Unions") political action committees ("PAC").

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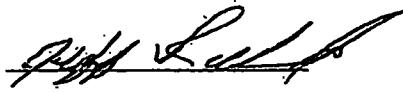
7. Because Walls and other coworkers told me that union membership was required for my job, sometime in July or August 2012, I spoke with a man at the Union Hall in Beckley, WV about joining Local 453. He told me to have Penn Line contact him about it. I then called Gross and told her to contact the Union Hall to get me into the union.

8. On or about October 1, 2012, I received papers in the mail from Gross, which included a dues authorization form for the Unions. A copy of the form is attached. I signed the top and bottom sections, but did not sign the middle section authorizing deductions for the Unions' PACs, Laborers' Political League ("LPL") and West Virginia Political Action Committee ("WVPAC"). I returned the signed form to Penn Line. Prior to signing the form on October 1, 2012, I was not a member of the Unions.

9. On or about October 15, 2012, I was working at a job site in Oak Hill, WV, when Walls approached me and a coworker. Walls handed my coworker the same union form I signed in Paragraph 8 above, and told him he must sign the middle section. Walls then told me that my form was being returned for me to sign. At that time, Walls did not inform me that the Unions' PAC contributions to either LPL or WVPAC were voluntary.

10. On October 16, 2012, as soon as I reported to work, I went to Walls and told him I would not sign the union form for the Unions' LPL and WVPAC PAC contributions for moral reasons. Walls said it was up to me. About three hours later, Walls approached and told me that if I would not join the Unions, they told Walls that he could take me home. I do not know who "they" were. I told him I would get my belongings and he could drive me home. After grabbing my things, Walls drove me home and I was terminated from my job.

No one from Penn Line or the Unions told me that contributions to the Unions' LPL and WVPAC PACs were voluntary nor required as a job condition at the time: a) union deductions were made from my paychecks from July to October 2012; b) I received the union documents on October 1, 2012 to join the Unions; and/or c) on October 16, 2012 when I was terminated from my job for not authorizing automatic deductions for the Unions' LPL and WVPAC PACs from my wages.




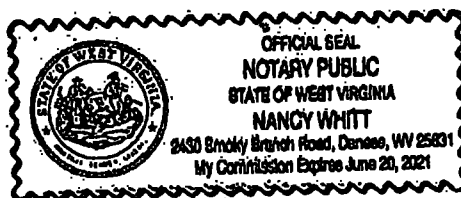
Jeffrey L. Richmond

Meadow Bridge, WV 25976

Subscribed and sworn to before me by Jeffrey Richmond, this 21st day of April, 2014.

My commission expires:

June 20, 2021


Notary Public

LOCAL UNION NO. 453 HOME LOCAL UNION NO. 453
(If Different)
PHONE NO. 252-8518 PHONE NO. 1-800-...
DATE _____
PRINT NAME _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____
EMPLOYER'S ADDRESS _____
ADDRESS _____
BY (Signature)
Authorized Signature

AUTHORIZATION FOR REPRESENTATION

I desire to be represented by and hereby authorize the Charleston, West Virginia District Council or an affiliated Local Union thereof to be my collective bargaining agent in matters of rates of pay, wages, fringe benefits, hours of employment, and other conditions of employment. This authorization shall apply to the Employer for whom I am employed or retained on this date and to all other Employers for whom I may become employed after this date.

This authorization is signed by me for the purpose of securing for the Union voluntary recognition and negotiation rights with my Employer and with any future Employer. It may be revoked only by me, through written notice to the Union.

Signature _____

VOLUNTARY CHECK-OFF AUTHORIZATION FOR LPL & WVLC-PAC

I hereby authorize and direct each employer signatory to an agreement with the Laborers' International Union of North America or any of its affiliates for whom I work to deduct from my paycheck 02 cents per hour for each hour worked every pay period and to remit such amount to the Laborers' Political League (LPL) and to deduct from my paycheck 03 cents per hour for each hour worked every pay period and to remit such amount to the West Virginia Laborers District Council Political Action Committee (WVLC-PAC) at such times as other remittances are made to the Union.

This authorization is voluntarily made. I understand that the signing of this authorization and the making of payments to LPL and WVLC-PAC are not conditions of membership in the Union or of employment with any employer, that I have a right to refuse to sign this authorization and to LPL and to WVLC-PAC without reprisal and that LPL and WVLC-PAC will use the money I have authorized to be deducted to make political expenditures and contributions in connection with federal, state and local elections. I also understand that this amount of money is merely a suggested guideline, that I am free to contribute more or less than this amount by any lawful means other than this check-off and that the union cannot disadvantage me because of the amount of my contribution or my decision not to contribute.

This authorization shall remain in effect until revoked by me in writing. Contributions to Laborers Political League and to West Virginia Laborers District Council Political Action Committee are not deductible as charitable contributions for federal or state income tax purposes.

Signature _____

PAYROLL CHECK-OFF AUTHORIZATION FOR UNION DUES & OTHER DEDUCTIONS

I do hereby voluntarily assign to Local Union No. 453 Laborers' International Union of North America, AFL-CIO, working dues in the amount of 500 and regular monthly dues in the amount of ... mo. My present and any future Employer is hereby authorized to deduct these amounts from my wages and pay the same to the Local Union and/or its authorized representative, in accordance with the collective bargaining agreement.

This authorization shall become operative upon the effective date of each collective bargaining agreement in existence between the Local Union and my Employer.

This authorization shall be irrevocable for a period of one year, until suspended by a later signed check-off authorization, or until the termination of the collective bargaining agreement in existence between my Employer and the Local Union, whichever occurs sooner; and I agree and direct that this authorization shall be automatically renewed and shall be irrevocable for successive periods of one year each, or for the period of such succeeding applicable collective bargaining agreement between my Employer and the Local Union, whichever be shorter, unless I give written notice to my employer and the Local Union not more than twenty days and not less than ten days prior to the expiration of each period of one year, or of each applicable collective bargaining agreement between my Employer and the Local Union, whichever occurs sooner.

Dues and fees paid to Local Union No. 453 are not tax deductible as charitable contributions. However, they may be tax deductible as an ordinary and necessary business expense.

I voluntarily authorize the following dues, deductions and contributions:

1. L.O.F. 40 MR 4. STATE B.T. _____ MR 7. _____ MR
2. VACATION FUND _____ MR 5. C.A.P. _____ MR 8. _____ MR
3. LOCAL B.T. _____ MR 6. A.C.T. _____ MR 9. _____ MR

Date _____ X _____
Signature _____

White Copy - Local Union • Canary Copy - Fund Office • Pink Copy - Employer's Copy

← This is the section I didn't sign

160020440000

EMP # EMPLOYEE NAME SS# PER BEG PER END CHECK#
28006 RICHMOND, JEFFREY L. 09/17/12 09/23/12 640783

EARNINGS	HRS/UNITS	CUR AMT	YTD AMT	DEDUCTIONS	CUR AMT	YTD AMT
REG NORMAL	38.00	724.32	8872.25	EMPLOYEE ASSM	7.62	152.44
OVT NORMAL		0.00	1875.27	EMPLOYEE DEDU	3.60	62.10
REG TRAVEL		0.00	25.00	EMPLOYEE ASSM	16.32	169.64
				EMPLOYEE DEDU	6.30	64.80
				EMPLOYEE ASSM	3.73	13.06
				EMPLOYEE DEDU	1.80	6.30
				UNION DEDS	0.00	154.60
				FED WITHHOLD	46.63	935.61
				SOC. SEC.	30.42	451.41
				MEDICARE	10.50	155.84
				WV WITHHOLD	28.00	476.00
				INSURANCE	0.00	0.00
				401K PLAN	0.00	0.00

CUR EARN	CUR DEDS	NET PAY	YTD EARN	YTD DEDS	YTD NET PA
724.32	154.92	569.40	10,772.52	2,641.80	8,130.7

EMP # EMPLOYEE NAME SS# PER BEG PER END CHECK#
28006 RICHMOND, JEFFREY L. 09/10/12 09/16/12 640664

EARNINGS	HRS/UNITS	CUR AMT	YTD AMT	DEDUCTIONS	CUR AMT	YTD AI
REG NORMAL	40.00	883.20	8147.93	EMPLOYEE ASSM	3.89	9.1
OVT NORMAL	10.00	271.38	1875.27	EMPLOYEE DEDU	1.92	4.1
REG TRAVEL		0.00	25.00	EMPLOYEE ASSM	17.15	17.1
				EMPLOYEE DEDU	8.10	8.1
				EMPLOYEE ASSM	20.96	144.1
				EMPLOYEE DEDU	8.55	58.1
				UNION DEDS	0.00	340.1
				FED WITHHOLD	111.17	888.1
				SOC. SEC.	48.49	420.1
				MEDICARE	16.74	145.1
				WV WITHHOLD	53.00	448.1
				INSURANCE	0.00	0.1
				401K PLAN	0.00	0.1

CUR EARN	CUR DEDS	NET PAY	YTD EARN	YTD DEDS	YTD NET I
1,154.58	289.97	864.61	10,048.20	2,486.88	7,561.1

EMP # EMPLOYEE NAME SS# PER BEG PER END CHECK#
28006 RICHMOND, JEFFREY L. 09/03/12 09/09/12 640545

EARNINGS	HRS/UNITS	CUR AMT	YTD AMT	DEDUCTIONS	CUR AMT	YTD AI
REG NORMAL	28.00	522.76	7264.73	EMPLOYEE ASSM	16.67	39.1
OVT NORMAL		0.00	1603.89	EMPLOYEE DEDU	6.30	14.1
REG TRAVEL		25.00	25.00	EMPLOYEE ASSM	1.91	123.1
				EMPLOYEE DEDU	0.90	49.1
				EMPLOYEE ASSM	2.33	153.1
				EMPLOYEE DEDU	0.90	58.1
				UNION DEDS	0.00	82.1
				FED WITHHOLD	22.08	777.1
				SOC. SEC.	21.96	372.1
				MEDICARE	7.58	128.1
				WV WITHHOLD	19.00	395.1
				INSURANCE	0.00	0.1
				401K PLAN	0.00	0.1

CUR EARN	CUR DEDS	NET PAY	YTD EARN	YTD DEDS	YTD NET I
522.76	99.63	448.13	8,893.62	2,196.91	6,696.1

160047060001

PENN LINE SERVICE INC.

28006	RICHMOND, JEFFREY L		07/30/12	08/05/12	135317	
EMP NO.	EMPLOYEE NAME	SOCIAL SECURITY NO.	PERIOD BEG.	PERIOD END	CHECK NO.	
EARNINGS	HRS/UNITS	CURRENT AMOUNT	YEAR TO DATE	DEDUCTIONS	CURRENT AMOUNT	YEAR TO DATE
REG NORMAL	40.00	837.88	3336.09	EMPLOYEE ASSM	9.53	9.53
OVT NORMAL	7.00	250.11	320.07	EMPLOYEE DEDU	3.60	3.60
				EMPLOYEE ASSM	12.88	24.29
				EMPLOYEE DEDU	4.50	8.90
				EMPLOYEE ASSM	7.30	7.30
				EMPLOYEE DEDU	3.80	3.60
				EMPLOYEE ASSM	17.49	100.27
				EMPLOYEE DEDU	6.75	38.25
				UNION DEDS	0.00	33.72
				FED WITHHOLD	101.18	300.35
				SOC SEC	45.70	53.57
				MEDICARE	15.78	53.02
CURRENT EARNINGS				CURRENT DEDUCTIONS		
				YTD EARNINGS		
				YTD DEDUCTIONS		
				YTD NET PAY		

PENN LINE SERVICE INC.

28006 EMP NO.	RICHMOND, JEFFREY L. EMPLOYEE NAME	SOCIAL SECURITY NO.		07/23/12 PERIOD BEG.	07/29/12 PERIOD END	135289 CHECK NO.		
EARNINGS		HRS/UNITS	CURRENT AMOUNT	YEAR TO DATE	DEDUCTIONS		CURRENT AMOUNT	YEAR TO DATE
REG NORMAL		40.00	905.16	2498.21	EMPLOYEE ASSM		1.87	1.87
OVT NORMAL		2.00	69.98	69.98	EMPLOYEE DEDU		0.96	0.96
					EMPLOYEE ASSM		45.47	82.78
					EMPLOYEE DEDU		7.10	31.50
					UNION DEDS		0.00	47.72
					FED WITHHOLD		84.25	199.17
					SOC SEC		40.86	107.87
					MEDICARE		14.34	37.24
					WV WITHHOLD		13.00	108.00
					INSURANCE		0.00	0.00
					401K PLAN		0.00	0.00
07/23/12		247.95	727.37	2586.17	817.13		7195.106	
CURRENT EARNINGS		CURRENT DEDUCTIONS	NET PAY	YTD EARNINGS	YTD DEDUCTIONS		YTD NET PAY	

PENN LINE SERVICE INC.

28006	RICHMOND, JEFFREY L			07/16/12	07/22/12	135283
EMP NO.	EMPLOYEE NAME		SOCIAL SECURITY NO.	PERIOD BEG.	PERIOD END	CHECK NO.
EARNINGS	HRS/UNITS	CURRENT AMOUNT	YEAR TO DATE	DEDUCTIONS		YEAR TO DATE
REG NORMAL	38.00	860.52	1593.05	EMPLOYEE ASSM	3.81	11.43
				EMPLOYEE DEDU	1.80	5.40
				EMPLOYEE ASSM	37.31	37.31
				EMPLOYEE DEDU	14.40	14.40
				UNION DEDS	0.00	30.89
				FED WITHHOLD	167.06	14.92
				SOC SEC	36.14	69.91
				MEDICARE	12.48	23.10
				WV WITHHOLD	36.00	465.00
860.52	209.00	651.52	1593.05	359.36	1223.69	
CURRENT EARNINGS	CURRENT DEDUCTIONS	NET PAY	YTD EARNINGS	YTD DEDUCTIONS	YTD NET PAY	

160444000000